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# ALABAMA COURT OF CIVIL APPEALS

OCTOBER TERM, 2021-2022

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K.S.

v.

K.P. and C.P.

Appeal from St. Clair Probate Court  
(N-21-452)

EDWARDS, Judge.

K.S. ("the mother"), the biological mother of C.J.W. ("the child"), appeals from an adoption judgment entered by the St. Clair Probate Court ("the probate court") in favor of K.P. and C.P. ("the adoptive

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parents"). Because the mother lacks any legally protected interest in the subject of the adoption proceeding and was not a party to that proceeding, we dismiss the appeal.

In December 2019, the St. Clair Juvenile Court ("the juvenile court") entered a judgment terminating the mother's parental rights to the child. The mother appealed that judgment to this court, and we affirmed. K.S. v. St. Clair Dep't of Hum. Res. (No. 2190329, Oct. 9, 2020), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2020) (table). The mother's petition for the writ of certiorari seeking review of this court's decision was stricken by the supreme court. Ex parte K.S. (No. 1200296, Feb. 12, 2021). The mother later appealed from a December 2020 permanency order entered by the juvenile court; we dismissed that appeal. K.S. v. St. Clair Dep't of Hum. Res. (No. 2200318, Feb. 23, 2021), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2021) (table). After the juvenile court entered another permanency order in June 2021, the mother, in September 2021, filed in the juvenile court a Rule 60(b), Ala. R. Civ. P., motion seeking to set aside that permanency order and the termination-of-parental-rights judgment; that motion was denied, and the mother appealed to this court. This court affirmed the

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denial of the Rule 60(b) motion. K.J.S. v. St. Clair Dep't of Hum. Res. (No. 2210072, Apr. 8, 2022), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2022) (table). The mother also filed petitions for the writ of mandamus directed to the denial of her Rule 60(b) motion, which petitions were summarily denied by this court because her appeal in case number 2210072 was the appropriate vehicle for the review of the denial of the Rule 60(b) motion. Ex parte K.J.S. (No. 2210073, Oct. 21, 2021), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2021) (table), and Ex parte K.J.S. (No. 2210074, Oct. 21, 2021), \_\_\_ So. 3d \_\_\_ (Ala. Civ. App. 2021) (table),

In October 2021, the adoptive parents filed a petition to adopt the child in the probate court. Notice was provided to the St. Clair County Department of Human Resources ("DHR"), the entity holding legal custody of the child, and DHR consented to the adoption. The probate court entered a judgment of adoption on November 2, 2021. The mother filed a notice of appeal directed to the adoption judgment on November 12, 2021.<sup>1</sup>

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<sup>1</sup>Although K.P. and C.P. were the petitioners seeking to adopt the child, and thus are the proper appellees, the mother, who is representing

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In her brief on appeal, the mother generally argues that the adoption judgment is void, in part, she says, because of the adoptive parents' failure to provide her and her family members notice of the adoption proceeding. However, the mother was not entitled to notice of the adoption proceeding. Alabama Code 1975, § 26-10A-17(a)(1), provides that notice of an adoption proceeding must be given to any person whose consent or relinquishment is required, "unless parental rights have been terminated pursuant to [Ala. Code 1975, §] 12-15-319." As previously explained, the mother's parental rights to the child were terminated, and the termination of her parental rights was upheld on appeal to this court. Because her parental rights had been terminated, the mother had no cognizable claim to assert in the adoption proceeding, and, thus, had no basis to contest the adoption. E.V.W. v. Jefferson Cnty. Dep't of Hum. Res., 893 So. 2d 1212, 1213 (Ala. Civ. App. 2004) (explaining that the termination of a parent's parental rights

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herself pro se on appeal, identified the appellee as "St. Clair County Department of Human Resources for K.P. and C.P.," and DHR filed the appellee's brief. We have restyled the appeal to reflect the appropriate parties.

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extinguishes that parent's legally protected interest in the familial relationship with the child).

The mother was not entitled to notice of the adoption proceeding, and she was not made a party to that proceeding. As a nonparty, she cannot appeal the adoption judgment. See Sho-Me Motor Lodges, Inc. v. Jehle-Slauson Constr. Co., 466 So. 2d 83, 88 (Ala. 1985) ("Ordinarily, one who is not a party to a cause cannot appeal."); see also State Dep't of Hum. Res. ex rel. Bowen v. Bowen, 958 So. 2d 901, 903 (Ala. Civ. App. 2006). Insofar as the mother attempts to assert any potential rights of her family members to have been given notice of the adoption proceeding or to contest the adoption, we note that the mother cannot advance an argument on behalf of her relatives, assuming those relatives had any such rights. Ex parte Izundu, 568 So. 2d 771, 773 (Ala. 1990) (explaining that a person generally may not assert injuries to a third party). Accordingly, we dismiss the mother's appeal.

APPEAL DISMISSED.

Thompson, P.J., and Moore, Hanson, and Fridy, JJ., concur.